

APPLICATION SERIAL NO. 10/659,617

PATENT

## REMARKS

Claims 1-24 were pending in the Office action dated October 4, 2005, of which claims 1, 2, 5, 7-9, 11-17, and 19-24 were rejected, and claims 3, 4, 6, 10, and 18 were objected to as being dependent upon a rejected base claim. Additionally, the specification and drawings were objected to in view of a limitation in claim 18. In this Reply, the rejection of claims 1, 2, 5, 7-9, 11 is traversed, claims 12-24 are canceled, and the objection to each of claims 3, 4, 6, 10 is overcome because of the patentability of the independent claim from which these claims depend. Additionally, the objection to the specification and drawings is overcome by the cancellation of claim 18. Further examination and reconsideration respectfully are requested.

### *Examiner's Consideration of Applicants' Information Disclosure Statement*

The examiner's acknowledgement of the Information Disclosure Statement filed on September 10, 2003, is noted with appreciation.

### *Terminal Disclaimer Obviates the Double-Patenting Rejection*

Claims 1, 2, 5 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting. A terminal disclaimer to obviate the double-patenting rejection is transmitted concurrently herewith.

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

### *Applicants Traverse the Rejections of Claims 7-9*

Claim 7 was rejected under 35 USC § 102(b) as anticipated by US Patent No. 5,941,828 to Archibald et al. Applicants traverse the rejection. Element 30 as disclosed in the Archibald '828 patent is a pressure transducer that "senses fluid pressure

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communicated to transducer 30 within sensor interface assembly 22" and "in a preferred embodiment ... is a piezoresistive pressure transducer." Archibald '828, column 5, lines 33-37. The transducer 30 is placed in an insert 272 in the top plate 150, id. column 6, line 7. Claim 7 is distinguishable over the disclosure of Archibald '828 in at least two respects. First, claim 7 recites "a sensing unit for sensing pulses of the underlying artery," whereas the transducer 30 merely senses fluid pressure communicated to it within a sensor assembly. Second, claim 7 recites that the sensing unit is "detachably connected" to the base unit, whereas the transducer 30 resides in an insert 272 in the top plate 150. While a cable 24 terminating in connector 26 does extend from the transducer 30, applicants do not see any disclosure in the passages of the '828 patent cited by the examiner (Figs. 1, 3A and 3B; column 4, lines 36-49; column 5, lines 20-23; column 6, lines 7-14) that the transducer 30 is detachably connected to the top plate 150. Applicants respectfully request that the rejection be withdrawn.

Claims 8 and 9 were rejected under 35 USC § 102(b) as being obvious over Archibald '828 in view of US Patent No. 4,632,121 to Johnson et al. Applicants traverse the rejection. Without admitting to a exclusion of other reasons for traversal, applicants observe that claims 8 and 9 are dependent from independent claim 7, and are nonobvious if claim 7 is nonobvious. As to claim 7, Archibald '828 does neither discloses nor suggests a sensing unit for sensing pulses of an underlying artery, that is detachably connected to a base unit. The Johnson patent, which was cited for its disclosure relating to plugs, also neither discloses nor suggests a sensing unit for sensing pulses of an underlying artery, that is detachably connected to a base unit. Since claim 7 is nonobvious over Archibald '828 in view of Johnson, applicants respectfully request that the rejection be withdrawn as to dependent claims 8 and 9.

*Claims 12-24 Have Been Canceled*

Claims 12-24 have been canceled without prejudice to their being reintroduced in a continuing application.

reconsideration and the timely issuance of a Notice of Allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned at (952) 253-4135.

Respectfully submitted,

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*Conclusion*

In view of the foregoing amendment and remarks, it is believed that the application is now in condition for allowance. Applicants respectfully request favorable reconsideration and the timely issuance of a Notice of Allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned at (952) 253-4135.

Respectfully submitted,

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